

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SAB-01 SSO-00 NSCE-00 INRE-00 USIE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 OES-06 DLOS-04 SAL-01 /063 W

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O 031645Z MAY 76

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC IMMEDIATE 7598

S E C R E T PANAMA 3064

EO 11652: XGDS-1

TAGS: PFOR, PN, EFIS

SUBJECT: U.S.-PANAMA TREATY NEGOTIATIONS, IMPLICATIONS OF

REF: (A) STATE 104790 (B) JORDEN-BELL TELECON

1. REGARDING PARA. 4 REFTTEL A, I QUESTION UTILITY OF SENDING QUOTE HIGH LEVEL TEAM UNQUOTE TO DISCUSS WITH PANAMANIAN GOVERNMENT THE QUOTE FUTURE OF TUNA BOAT VIOLATIONS UNQUOTE. BELIEVE THAT THIS EMBASSY PERFECTLY CAPABLE OF HANDLING ANY PERTINENT DISCUSSIONS WITH GUIDANCE FROM DEPARTMENT ON ANY TECHNICAL MATTERS. SEEMS HERE ANY NEW BROAD AGREEMENTS MUST BE HANDLED UNDER AEGIS OF LAW OF THE SEA DISCUSSIONS WHICH ARE ONGOING.

IMMEDIATE PROBLEM IS TO AVOID ANY NEW SEIZURES AND WAY TO DO THAT IS FOR FISHING BOATS TO BUY PANAMANIAN LICENSES. OTHER MAIN PROBLEM IS TO WORK OUT SOME WAY FOR WINNING RELEASE OF "VOYAGER" AND "KALI" SO THEY CAN RETURN TO HOME PORT IN PUERTO RICO. AND OBVIOUSLY ONLY SOLUTION ACCEPTABLE TO PANAMA AT THIS POINT WILL BE FOR OWNERS OF THOSE VESSELS TO PAY FINES. LATTER HAVE BEEN SET AT \$100,000 EACH BUT MAY BE SUBJECT TO DOWNWARD REVISION THROUGH APPEAL PROCEDURES TO PANAMANIAN AUTHORITIES. IN THIS CONNECTION, WE ARE INFORMED THAT OWNER OF "KALI" IS DISPOSED TO PAY FINE PROMPTLY AND GET HIS BOAT ON ITS WAY. UNDERSTAND DEL MONTE, OWNER OF "VOYAGER" IS CONSIDERING MATTER OF FINE. BOTH OWNERS WILL WANT GUARANTEE FROM PANAMA THAT IF BOATS PAY FINES

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THEY WILL NOT THEN BE SEIZED WHEN THEY EXIT CANAL ZONE FOR

POSSIBLE ADDITIONAL ACTION, SUCH AS SEIZURE OF CATCH.

2. FURTHER REGARDING PARA. 4, THERE IS NO WAY THAT THE U.S. GOVERNMENT CAN GUARANTEE THAT VOYAGER AND KALI WILL NOT LEAVE CANAL ZONE WATERS IN NEXT FEW DAYS. THAT IS MATTER TO BE DETERMINED BY OWNERS AND CAPTAINS. AT PRESENT, BOTH BOATS ARE UNDER ORDERS TO STAY WHERE THEY ARE UNTIL SOME SOLUTION TO PROBLEM CAN BE FOUND. BUT THAT ATTITUDE MAY CHANGE IF PANAMANIAN CONTINUE IN THEIR CURRENT INTRANSIGENT MOOD AND AS DANGER OF SPOILAGE OF CATCH RISES. IN ANY CASE, I BELIEVE WE CAN GET PANAMANIAN AGREEMENT THAT BOATS CAN LEAVE PEACEFULLY IF FINES ARE PAID. IN THIS CONNECTION, PANAMANIAN ARE FULLY AWARE--AS RESULT OF OUR EXTENSIVE DISCUSSIONS IN 1974 OVER SEIZURE OF THE RAFAELLO--OF THE EFFECTS ON U.S. ASSISTANCE PROGRAMS TO PANAMA AS RESULT OF THE SEIZURE AND FINING OF U.S. BOATS OUTSIDE 12-MILE LIMIT. AND THIS WILL BE THE NEXT HEADACHE WE FACE--ASSUMING FINES ARE PAID.

3. I WILL DO MY BEST TO EXPLORE FURTHER WITH PANAMANIAN THE MEANING AND IMPLICATIONS OF THE SO-CALLED QUOTE AGREEMENT UNQUOTE. BUT I AM NOT SANGUINE ABOUT THE EASE WITH WHICH THIS CAN BE ACCOMPLISHED. ONLY PEOPLE WHO KNOW OF QUOTE AGREEMENT UNQUOTE ARE NOW ON CONTADORA PREPARING FOR RENEWED NEGOTIATING SESSIONS WITH AMBASSADOR BUNKER. AND STARTING TOMORROW MORNING, THEY WILL BE FOCUSED ON THE CONTINUING TREATY TALKS. THUS, IT MAY BE THAT ONLY ADDITIONAL QUOTE EXPLORING UNQUOTE POSSIBLE WILL BE THAT BY BUNKER AND HIS TEAM ON CONTADORA.

JORDEN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIP DETENTION, AGREEMENTS, NEGOTIATIONS, FISHING BOATS
Control Number: n/a
Copy: SINGLE
Draft Date: 03 MAY 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: blochd0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PANAMA03064
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Film Number: D760167-0478
From: PANAMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760598/aaaadfsu.tel
Line Count: 90
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: 76 STATE 104790
Review Action: RELEASED, APPROVED
Review Authority: blochd0
Review Comment: n/a
Review Content Flags:
Review Date: 21 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 JUL 2004 by MartinML>; APPROVED <28 OCT 2004 by blochd0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S.-PANAMA TREATY NEGOTIATIONS, IMPLICATIONS OF
TAGS: PFOR, EFIS, PN, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006